

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

January 16, 2014

- I. **CALL TO ORDER** - The meeting was called to order at 1:30 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.

Planning Commission members present - Mike Owens, Chair; Carla Blanton; Mike Cravens; David Drake; Karen Mundy; Carolyn Plumlee; and Bill Wilson. Eunice Beatty, Will Berkley, Patrick Brewer, and Frank Penn were absent.

Planning staff members present - Chris King, Director; Bill Sallee; Barbara Rackers; Tom Martin; David Jarman; Kelly Hunter; Cheryl Galt and Denise Bullock. Other staff members in attendance were: Hillard Newman, Division of Engineering; Lieutenant Greg Lengal, Division of Fire and Emergency Services; Tim Queary, Department of Environmental Policy; Casey Kaucher, Division of Traffic Engineering and Tracy Jones, Department of Law.

- II. **APPROVAL OF MINUTES** – The Chair reminded the Commission members that the minutes of the November 14, 2013, meeting were previously emailed to the Commission for their review; and if there were no changes, those minutes were ready to be considered at that time.

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 7-0 (Beatty, Brewer, Berkley and Penn absent) to approve the minutes of the November 14, 2013, meetings.

- III. **POSTPONEMENTS OR WITHDRAWALS** – The Chair asked for requests for postponement and withdrawal to be considered at this time.

- a. DP 2014-1: LOCUST HILL SHOPPING CENTER (PARCEL 1, LOT 1, BLOCK A) (AMD) (2/23/14)* - located at 3101 Richmond Road. (Council District 7)
(The Roberts Group)

Note: The purpose of this amendment is to increase buildable area for a new restaurant location and revise the outlot at 3035 Richmond Road.

The Subdivision Committee Recommended: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection locations.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Resolve removal of trees along south edge of retention area and resulting impact on canopy coverage.
10. Discuss vehicular circulation, including entry/exit from the proposed outlot developments.

Representation – Bob Cornett, The Roberts Group, was present representing the applicant, and requested postponement of DP 2014-1: LOCUST HILL SHOPPING CENTER (PARCEL 1, LOT 1, BLOCK A) (AMD) to the January 30, 2014, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Cravens, seconded by Mr. Drake and carried 7-0 (Beatty, Brewer, Berkley and Penn absent) to postpone DP 2014-1: LOCUST HILL SHOPPING CENTER (PARCEL 1, LOT 1, BLOCK A) (AMD) to the January 30, 2014, Planning Commission meeting.

- b. DP 2013-96: HARVEY PROPERTY (2/2/14)* - located at 4500, 4524 and a portion of 4574 Old Schoolhouse Lane.
(Council District 10)
(EA Partners)

Note: The Planning Commission postponed this plan at their December 12, 2013, meeting.

The Subdivision Committee Recommended: **Postponement**. There were some questions regarding access to the greenway, location of the pre-Columbian burial ground and adequate spring protection.

Should this plan be approved, the following requirements should be considered:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.

* - Denotes date by which Commission must either approve or disapprove request.

3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. Denote lot information per Subdivision Regulations for single family area.
13. Clarify extent of street construction and tree protection area in and near floodplain.
14. Discuss proposed tree protection area for Bur Oak.
15. Discuss location of pre-settlement cultural site.
16. Discuss access to greenway area.
17. Discuss improvements needed to Old Schoolhouse Lane, including sidewalk.
18. Discuss incorporation of spring into greenway or other protection measures, including maintenance.
19. Discuss requested waivers, and the height of proposed retaining walls.

Representation – Nick Nicholson, attorney, was present representing the applicant, and requested postponement of DP 2013-96: HARVEY PROPERTY to the February 27, 2014, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Wilson, seconded by Ms. Plumlee and carried 7-0 (Beatty, Brewer, Berkley and Penn absent) to postpone DP 2013-96: HARVEY PROPERTY to the February 27, 2014, Planning Commission meeting.

- c. DP 2014-2: FRITZ FARM, LLC (SUMMIT LEXINGTON BAYER PROPERTY) (2/23/14)* - located at 4100 Nicholasville Road.
(Council District 4) **(HDR)**

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Correct note #7.
11. Delete note #11.
12. Provided the Planning Commission grants a waiver to Art. 6-8(q)(2) of the Land Subdivision Regulations.
13. Graphically depict compliance with Art. 28-6(c)(1) and (2) of the Zoning Ordinance.
14. Remove MU-3 zoning "requirements" for parking.
15. Denote bicycle parking per Art. 28-6(f) of the Zoning Ordinance.
16. Clarify pedestrian system connection from Tangleway and Tavistock Drive.
17. Denote compliance with lighting per Art. 28-6(g) of the Zoning Ordinance.
18. Denote KTC approval of access and traffic signal.
19. Denote conditional zoning restrictions.
20. Denote adjoining property information.
21. Addition of private street/access easement maintenance responsibilities.
22. Document compliance with the tree canopy requirements.
23. Identify number of mixed-income housing units on plan.
24. Discuss building orientation and parking lot orientation to arterial streets.
25. Discuss road improvements proposed.
26. Discuss timing of residential development.
27. Discuss vehicular use area in relation to residential zone and buffer areas.
28. Discuss residential building "FF" in relation to residential zone.
29. Discuss landscaping to be provided along arterials and tree preservation areas adjacent to residential zones.
30. Discuss building "CC" (retail use) conflict with 100' utility easement.
31. Discuss "construction entrance" proposed at Tavistock Drive.
32. Discuss timing of development under the Capacity Assurance Program limitations.

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Representation – Nick Nicholson, attorney, was present representing the applicant, and requested postponement of DP 2014-2: FRITZ FARM, LLC (SUMMIT LEXINGTON BAYER PROPERTY) to the January 30, 2014, Planning Commission meeting. He indicated that this would allow his client to meet with the neighborhood on this proposal.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. Mr. Hank Graddy, attorney, said that he is in agreement with the postponement request in order to hold a neighborhood meeting.

Action - A motion was made by Ms. Mundy, seconded by Ms. Plumlee and carried 7-0 (Beatty, Brewer, Berkley and Penn absent) to postpone DP 2014-2: FRITZ FARM, LLC (SUMMIT LEXINGTON BAYER PROPERTY) to the January 30, 2014, Planning Commission meeting.

- d. DP 2013-29: HEADLEY, NIVEN & VANCE PROPERTY, LOTS 1, 2 & 3 (AMD) (3/13/14)* - located at 1500 Russell Cave Road and 295 West New Circle Road. (Council District 1) **(Vision Engineering)**

Note: The purpose of this amendment is to revise the development on Lot 1 and to include Lot 2 in the development. The Planning Commission originally approved this plan on May 9, 2013, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Kentucky Transportation Cabinet's approval of access to Russell Cave Road.
10. Clarify restaurant seating to include outdoor patio area (and any related off-street parking).
11. Correct, delete and consolidate notes #9 - #13 to the approval of the Urban Forester.
12. Denote that the proposed construction access from Russell Cave Road cannot be built or utilized except with the issuance of a permit for Building 1.
13. Label existing and proposed access points to Russell Cave Road.
14. Denote: No building permit shall be issued for Building 1 until the existing access (#2) to Russell Cave Road is closed. The new access shall be constructed to the approval of the Division of Traffic Engineering and the Division of Engineering.
15. Signage for right turn only at access #3.

Note: The applicant has requested a continued discussion of this plan to ask for the removal of condition #12 of the Planning Commission's approval granted at the meeting held on May 9, 2013.

The Subdivision Committee Recommended: **Postponement**. There are concerns with the applicant's request to delete condition #12 that addresses the proposed access point to Russell Cave Road.

The Staff Recommends: **Disapproval** of this request, for the following reasons:

1. The original approval by the Planning Commission was appropriate and consistent with the intent of Article 21 of the Zoning Ordinance and the Land Subdivision Regulations in protecting public health and safety.
2. There have been no changes in the traffic patterns or volume in the area in the past 8 months that would justify the removal of the condition.
3. The proposed drive-through facility on Lot 1 heightens the safety concerns with the proposed access with both the Division of Traffic Engineering and the KYDOT.

Representation – Matt Carter, Vision Engineering, was present representing the applicant, and requested postponement of DP 2013-29: HEADLEY, NIVEN & VANCE PROPERTY, LOTS 1, 2 & 3 (AMD) to the February 13, 2014, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Ms. Plumlee, seconded by Mr. Wilson and carried 7-0 (Beatty, Brewer, Berkley and Penn absent) to postpone DP 2013-29: HEADLEY, NIVEN & VANCE PROPERTY, LOTS 1, 2 & 3 (AMD) to the February 13, 2014, Planning Commission meeting.

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- e. DP 2014-4: LANSBROOK PLAZA SHOPPING CENTER (4/3/14)* - located at 3501 Lansdowne Drive.
(Council District 4) **(J. Kingston)**

Note: The purpose of this amendment is to add buildable area to building #3 and revise the parking area on that lot.

The Subdivision Committee Recommended: **Postponement**. The submitted plan filing does not appear to meet the limits of the variance approved for this location in 2000.

Should this plan be approved, the following conditions should be considered:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
8. Clarify existing parking per GIS photograph for building #3.
9. Clarify purpose of amendment note.
10. Revise note #6 to include reference to Art. 16 of the Code of Ordinances.
11. Clarify site statistics, and update restaurant seating statistics for building #3.
12. Review by Technical Committee prior to plan certification.

Representation – John Kingston, architect, was present representing the applicant, and requested postponement of DP 2014-4: LANSBROOK PLAZA SHOPPING CENTER, to the February 13, 2014, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Ms. Mundy, seconded by Ms. Plumlee and carried 7-0 (Beatty, Brewer, Berkley and Penn absent) to postpone DP 2014-4: LANSBROOK PLAZA SHOPPING CENTER to the February 13, 2014, Planning Commission meeting.

IV. LAND SUBDIVISION ITEMS - The Subdivision Committee met on Thursday, January 9, 2014, at 8:30 a.m. The meeting was attended by Commission members: Eunice Beatty, Will Berkley and Mike Owens. Committee members in attendance were: Hillard Newman, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Cheryl Gallt, Dave Jarman, Kelly Hunter, Denise Bullock, Jimmy Emmons, Scott Thompson and Cindy Deitz, as well as Lieutenant Greg Lengal, Division of Fire & Emergency Services and Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.

1. All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.
2. All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.

A. NO DISCUSSION ITEMS – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

Criteria: (1) the Subdivision Committee recommendation is for approval, as listed on this agenda, and
(2) the Petitioner agrees with the Subdivision Committee recommendation and conditions listed on the agenda, and
(3) no discussion of the item is desired by the Commission, and
(4) no person present at this meeting objects to the Commission acting on the matter without discussion, and
(5) the matter does not involve a waiver of the Land Subdivision Regulations.

There were no such items remaining.

B. DISCUSSION ITEMS – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for these hearings is as follows:

- Staff Report(s), including subcommittee reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) proponents (10 minute maximum OR 3 minutes each)

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- (b) objectors (30 minute maximum OR 3 minutes each)
- Rebuttal & Closing Statements
 - (a) petitioner's comments (5 minute maximum)
 - (b) citizen objectors (5 minute maximum)
 - (c) staff comments (5 minute maximum)
- Commission discusses and/or votes on the plan.

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the meeting. The Chair will announce his/her decision at the outset of the hearing.

1. **FINAL SUBDIVISION PLAN**

- a. PLAN 2014-1F: EASTLAND SHOPPING CENTER, LOT 4 (AMD) (2/23/14)* - located at 1311 Winchester Road.
(Council District 5) **(Midwest Engineering)**

Note: The purpose of this amendment is to subdivide one lot into two lots.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
6. Complete vicinity map information (north of US 60).
7. Correct note #7.
8. Denote adjacent property using dashed lines.
9. Denote Winchester Road right-of-way and cross-section cut.
10. Denote address on lot.
11. Denote listing of utility providers.
12. Correct LFUCG Engineer's certification.
13. Denote that there will be no access to Winchester Road.

Staff Presentation – Mr. Jarman presented the amended Final Record Plat for PLAN 2014-1F: EASTLAND SHOPPING CENTER, LOT 4 (AMD), and directed the Commission's attention to an aerial photograph of the subject site. He briefly oriented the Commission to the overall area, and explained that the subject property is located along Winchester Road near Murray Drive. The existing uses within the general vicinity include the Rite Aid Drug Store and the Paul Miller Ford auto dealership caddy-corner across new Circle Road.

Mr. Jarman directed the Commission's attention to the rendering, and said that the purpose of this amendment is to subdivide one lot into two lots. He then said that the Subdivision Committee had reviewed the Final Record Plat and recommended approval of this subdivision, subject to the conditions listed on today's agenda. He briefly explained the list of conditions, and said that conditions #1 through #5 are the standard sign-off requirements from the different divisions of the LFUCG; and the remaining conditions are "clean-up" items.

Mr. Jarman said that the Subdivision Committee was concerned as to whether or not this property was part of a development plan. The staff has since determined that this lot is part of the final development plan for Eastland Shopping Center. He then said that the 2007 development plan does depict a restaurant use on this lot; however, that lot has not developed. Since that time, the ability to obtain building permits from the 2007 development plan has expired. He added that the property owner has the opportunity to sell a portion of the lot, which is the reason they are requesting to subdivide the property. He noted that, should the applicant wish to develop this lot, the 2007 development plan would need to be reapproved, or they would need to submit an amended development plan for the Commission's approval.

Representation – Andy Holmes, Midwest Engineering, was present, representing the applicant. He indicated that they are in agreement with the staff recommendations and requested approval.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Planning Commission Questions – The Chair clarified that there is an existing development plan for this site. Mr. Jarman replied affirmatively.

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy and carried 7-0 (Beatty, Brewer, Berkley and Penn absent) to approve PLAN 2014-1F: EASTLAND SHOPPING CENTER, LOT 4 (AMD), as presented by the staff.

* - Denotes date by which Commission must either approve or disapprove request.

- C. **PERFORMANCE BONDS AND LETTERS OF CREDIT** – Any bonds or letters of credit requiring Commission action will be considered at this time. The Division of Engineering will report at the meeting.

Action - A motion was made by Mr. Cravens, seconded by Mr. Wilson, and carried 7-0 (Beatty, Brewer, Berkley and Penn absent) to approve the release and call of bonds as detailed in the memorandum dated January 16, 2014, from Barry Brock, Division of Engineering.

- VI. **COMMISSION ITEM** – The Chair announced that any item a Commission member would like to present would be heard at this time.

- A. **UPCOMING WORK SESSION** – Mr. King reminded the Commission members of the upcoming work session scheduled for January 23, 2014, and noted that the Comprehensive Plan Implementation Chapter and the Implementation Project Matrix would be reviewed, as well as the Recreational ZOTA, among other items. He then said that, in advance of the Work Session, the staff would be sending this information to the Commission for their review. The Chair noted that the Recreational ZOTA was previously sent to the Commission members and asked that, should any member have any comments, to send those comments to Ms. Traci Wade, prior to the Work Session.

- VII. **STAFF ITEMS** – No such items were presented.

- VIII. **AUDIENCE ITEMS** – No such items were presented.

IX. **NEXT MEETING DATES**

Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) January 29, 2014
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers **January 30, 2014**
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) February 6, 2014
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building) February 6, 2014
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers February 13, 2014

- X. **ADJOURNMENT** - There being no further business, a motion was made to adjourn the meeting at 1:41 PM.

Mike Owens, Chair

Carla Blanton, Secretary